



November 7, 2008

Dr. John W. Mills, President  
Paul Smith's College of Arts & Sciences  
Route 86 & 30  
P.O. Box 265  
Paul Smiths, NY 12970

Certified Mail  
Return Receipt Requested  
Domestic Return Receipt:  
7003 0500 0003 0795 4755

**RE: Final Program Review Determination (FPRD)**  
**OPE ID: 00279500**  
**PRCN: 2007302262285**


Dear Dr. Mills:

The School Participation Team – NE issued a program review report on March 4, 2008 covering Paul Smith's College of Arts & Science's (PSC) administration of programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). PSC's final response was received on June 5, 2008.

**Purpose:**

Final determinations have been made concerning all of the outstanding findings of the program review report and are reflected in the attached Final Program Review Determination . The purpose of this letter is to notify PSC of a possible adverse administrative action. Due to the serious nature of one or more of the enclosed findings, we have referred this FPRD to the Department's Administrative Actions and Appeals Division (AAAD) for its consideration of possible adverse administrative action pursuant to 34 C.F.R. Part 668, Subpart G. Such action may include a fine, and/or the limitation, suspension or termination of the eligibility of the institution. If AAAD initiates an action, the institution will be notified under separate cover of that action. AAAD's notification will also include information regarding the institution's appeal right and procedures on how to contest that action.

Federal Student Aid, School Participation Team - NE  
Financial Square, 32 Old Slip, 25<sup>th</sup> Floor, New York, NY 10005  
[www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)

FEDERAL STUDENT AID  START HERE. GO FURTHER.

**Record Retention:**

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

We would like to express our appreciation for the courtesy and cooperation extended during the review. If you have any questions regarding this letter, please contact Jane Eldred at (646) 428-3753.

Sincerely,

A handwritten signature in black ink, appearing to read 'William J. Swift', is written over the typed name.

William J. Swift  
Area Case Director

**Enclosures**

cc: Ms. Mary Ellen Chamberlain, Financial Aid Administrator  
NY Board of Regents of the University of the State of New York  
Middle States - Higher Education  
American Student Assistance

Prepared for

**Paul Smith's College of Arts  
& Sciences**



**START HERE  
GO FURTHER**  
**FEDERAL STUDENT AID**

**OPE ID 00279500**

**PRCN 200730226285**

Prepared by:

**U.S. Department of Education**

**Federal Student Aid**

**School Participation Team - New York/Philadelphia**

## **Final Program Review Determination**

**November 7, 2008**

## Table of Contents

	Page
A Institutional Information.....	3
B Scope of Review.....	4
C Findings and Final Determinations.....	4
Finding #1 – Lack of Administrative Capability	4
Finding #2 – Failure to Properly Disclose Crime Statistics	7
Finding #3 – Failure to Define the Campus and Report Separately for Non-Contiguous Locations	12
Finding #4 – Failure to Have an Adequate System for Collecting All Crimes from All Required Sources	16
Finding #5 – Failure to Distribute the Campus Security Report	19
Finding #6 – Failure to Maintain a Daily Crime Log	22
Finding #7 – Required Policy Statements Omitted from Campus Security Reports	23
Finding #8 – Hate Crime Statistics Not Included in Campus Security Reports	25
Finding #9 – Crime Statistics Not Reported on a Calendar Year Basis	26

Appendix A: Program Review Report dated March 4, 2008



**A. Institutional Information**

Paul Smith's College of Arts & Sciences  
Route 86 & 30  
PO Box 265  
Paul Smiths, NY 12970

Type: Private Nonprofit

Highest Level of Offering: Bachelor's Degree

Accrediting Agency: Middle States - Higher Education

Current Student Enrollment: 921 Current Head Count, 907 Full Time Enrolled  
(2007/2008)

% of Students Receiving Title IV, HEA funds: 96% (2007/2008)

**Title IV Participation, Per U.S. Department of Education Data Base  
(Postsecondary Education Participants System):**

2005/2006 Award Year

Federal Family Education Loan Program	\$ 5,987,571
Federal Pell Grant Program	\$ 857,049
Federal Perkins Loan Program	\$ 194,000
Federal Supplemental Education Opportunity Grant Program	\$ 173,762
Federal Work-Study Program	\$ 251,475

**Default Rate FFEL/DL:** 2005 - 4.9 %  
2004 - 5.5 %  
2003 - 8.9 %

**Default Rate Perkins:** As of:  
6/30/06 - 15.9%  
6/30/05 - 32.4%  
6/30/04 - 12.2%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Paul Smith's College of Arts & Sciences (PSC or "the College") from May 14, 2007 to May 18, 2007 and July 9, 2007 to July 13, 2007. The review was conducted by James Moore and Jane Eldred.

The initial focus of the Federal Student Aid review was to examine the College's compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), with particular emphasis on the alcohol violation disciplinary process. Once on site, the review was expanded to include an assessment of the accuracy and completeness of all campus crime statistics reported for selected incident categories and compliance with all policy disclosure requirements.

The program review report was issued on March 4, 2008.

### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning PSC's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve PSC of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

## **C. Findings and Final Determinations**

The program review report findings, as they were written in the Department's March 4, 2008 Program Review Report, are quoted below in italics. At the conclusion of each program review finding is a summary of PSC's response to the finding, and the Department's final determination for that finding.

### **Finding #1 - Lack of Administrative Capability**

***Citation:** To begin and to continue to participate in any program under Title IV of the Higher Education Act of 1965, as amended, an institution must demonstrate that it is capable of adequately administering the program under the standards established by the Secretary. The Secretary considers an institution to have administrative capability if it administers the Title IV, HEA programs in accordance with all statutory provisions of, or applicable to, Title IV of the HEA, and all applicable regulatory provisions prescribed under the statutory provisions, and has written procedures for or written information indicating the responsibilities of the various offices. These standards also include a requirement that the institution employ "an adequate number of qualified staff" 34 CFR § 668.16(b)(2) and the prescription that regulated activities are undertaken with*



*appropriate "checks and balances" and in a system of "internal controls" 34 CFR § 668(c)(1). These standards apply to all aspects of the Title IV Program regulations including the Clery Act and the Department's implementing regulations at 34 CFR § 668.46.*

***Noncompliance:*** *The regulations that govern the Title IV, Federal Student Aid Programs establish certain standards that all participating institutions must maintain if they are to be deemed administratively capable. Several violations of the Clery Act were identified during the review. The findings detailed in this program review report show multiple indications that PSC lacked an adequate system of internal controls and administrative capability regarding compliance with the Clery Act during the review period. The violations are inter-related and show that PSC failed to report required statistics, failed to develop and adequately implement certain required policies, and otherwise failed to meet its responsibility to provide important security information to the campus community. These findings also demonstrate a lack of adequate institutional training, coordination, oversight, and supervision in PSC's campus security operations.*

*The team did not review any other aspect of PSC's compliance with Title IV regulations. The violations of the Clery Act identified in this report will be addressed using other available tools including the corrective action requirement outlined in this program review report. Compliance with the Clery Act is specifically referenced in the terms and conditions of the College's Program Participation Agreement (PPA). This PPA requirement can be found in the General Provision regulations at 34 CFR § 668.14 (c)(2)(i).*

*In addition to the specific findings of non-compliance, the FSA team identified weaknesses that contributed to the occurrence of these violations:*

- 1) During the period under review, the College failed to appoint a qualified official with sufficient authority and training in charge of Clery Act compliance.*
- 2) The College failed to provide or arrange for Clery Act training for relevant staff.*
- 3) The College failed to adequately train security officers and Student Affairs/Residence Life staff on proper incident report writing techniques.*
- 4) The College failed to establish a system that ensured standardization, custody, and control of important records needed to comply and document compliance with the Clery Act.*

*Impaired administrative capability increases the likelihood that the applicable statutes and regulations that govern the Title IV Programs will not be followed. With regard to the Clery Act, such impairment may result in an institution's failure to provide students and employees with important security information. Impaired administrative capability*

*and weak internal controls are an indication that an institution lacks the ability or willingness to comply with Federal regulations.*

**Required Action:** *The College is required to take all necessary corrective actions to cure the exceptions identified in this program review report. In addition, it must develop and implement a comprehensive system of policies and procedures to ensure that these findings do not recur. Additional instructions on the comprehensive corrective action plan are outlined in Section F of this program review report.*

*Based on the evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in the Final Program Review Determination letter.*

#### **Final Determination – Finding # 1**

Finding # 1 cited PSC for its failure to properly administer the Title IV, HEA Programs based on significant violations of Clery Act requirements identified during the program review. As noted in the report, many of the findings constitute serious violations of the statutes and regulations governing campus crime reporting and therefore call the College's ability to properly administer the Title IV Programs into serious question.

As a result of this finding, the College was required to conduct an institutional self-study of its Clery Act compliance program and prepare a report of its findings. Based on the outcomes of the study, the College was required to review and revise all campus security-related policies and procedures to bring the College into compliance with the Clery Act. On June 5, 2008, PSC submitted its response to the program review report

In its response, PSC acknowledged that personnel responsible for Clery Act compliance did not have sufficient knowledge or training, and that activities between responsible offices were not coordinated properly. PSC's response also acknowledged that Campus Safety officers and Campus Life staff did not receive Clery Act training, and noted that "...it is reasonable to conclude that instability in staffing, administrative reorganizations, and the lack of training are major factors in the improper standardization and custody and control practices used to maintain documents that are essential to reporting correctly."

PSC's response identified a number of corrective actions it had taken or planned to take to support better Clery Act compliance. These include:

1. hiring a new Director of Campus Safety and granting that individual sole responsibility for Clery Act compliance;
2. purchasing the Data Exec incident report and database system;
3. developing new policies and procedures for campus security operations;
4. utilizing a "Morning Report" distributed to key officials; and



5. instituting a new training program for all security-related staff, including instruction on proper incident report writing.

PSC's response adequately addresses the corrective action needed to respond to this finding, however, it does not diminish the seriousness of the violations identified throughout the program review.

**Finding #2 - Failure to Properly Disclose Crime Statistics**

**Citation:** Federal regulations require that participating institutions compile and publish statistics concerning the occurrence on campus of the following incidents: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, the institution is required to disclose disciplinary actions related to violations of Federal or State drug, liquor and weapons laws. 34 C.F.R. § 668.46(c)(1)

**Noncompliance:** The College failed to report all required incidents in its Campus Security Reports for the years 2004 and 2005, as follows:

<b>Crime Classification</b>	<b>College Reported 2004</b>	<b>Department of Education Determination 2004</b>	<b>College Reported 2005</b>	<b>Department of Education Determination 2005</b>
<b>Manslaughter</b>	0	0	0	1
<b>Forcible Sex Offenses</b>	0	1	0	2
<b>Aggravated Assault</b>	0	0	1	4
<b>Burglary</b>	1	8	2	15
<b>Arson</b>	0	3	0	1
<b>Totals</b>	1	12	3	23



<b>Disciplinary Referrals</b>	<b>College Reported 2004</b>	<b>Department of Education Determination 2004</b>	<b>College Reported 2005</b>	<b>Department of Education Determination 2005</b>
<b>Weapons Possession</b>	0	5	0	6
<b>Drug Law Violations</b>	3	7	4	19
<b>Liquor Law Violations (LLV)</b>	47	71	72	51*

*"\*" – After the events of February 2005, College policy was modified to increase the involvement of the New York State Police (NYSP) in some LLV cases. ED's determination of a lower number of 2005 LLV's than PSC is a direct result of the team's exclusion of any referral where the incident report made mention of involvement of the NYSP to reduce the possibility of double-counting. This was done even though the NYSP was not always called, and actually issued very few LLV citations on campus relative to the total number of alcohol-related cases.*

- 1) *The College lacks a sufficient system to adequately compile and maintain records so that they are accessible and useable for Clery reporting purposes. For example, 403 campus disciplinary files were not initially included among the documents provided pursuant to a request by the team.*
- 2) *Campus Security is not always notified when serious crimes are committed. PSC failed to follow its own procedures. The review team questioned College officials about a forcible sex offense that occurred in 2006 at a hotel dorm that was owned by the College. The incident was reported to a Resident Assistant (RA). The RA then reported the incident to the Chief Student Affairs Officer (CSAO). The RA and CSAO were to notify the Campus Security Office and/or the Police Department when any such incident is reported on campus property. Campus Safety was not notified for 72 hours, and it is unclear when the Police were notified. In the interim, two Head Resident Advisors were notified and went to the hotel to interview the suspect.*

*College officials were unaware that this incident had to be reported for Clery purposes. Their reasoning was based on the fact that 1) the District Attorney did not have enough evidence to prosecute and 2) the College doubted the credibility of the victim. The team believes that the College included this incident when compiling the 2006 data; however, the review team also found a 2004 incident report with the same perpetrator and a different unreported victim.*

- 3) *Even when the proper College officials are notified and reports are generated, incidents are often misclassified resulting in improperly calculated crime statistics. To illustrate this point, the review team noted that there were 15 burglaries that should have been reported during 2005. Although the incident reports for these crimes documented very similar events, a variety of crime*

*classifications such as theft, larceny, or stolen property were used at various times by various report writers.*

- 4) Campus Safety and Student Affairs/Residence Life Incident Reports are poorly written and/or lack sufficient detail to determine if a Clery reportable crime occurred. Report formats did not capture all students who were present at an incident, nor did they document a student's birth date even for instances of underage drinking. The reports were also written to document whether there had been a violation of College policy and did not include the Clery Act requirements of reporting violations of the law. When the reports are written in a manner where this determination is not clear, accurate statistics cannot be tabulated. Reports must be objectively written and contain all the relevant facts so that the reader can readily determine whether a crime has occurred.*
- 5) Campus Security and Student Affairs/Residence Life staff are not sufficiently trained on the Clery Act requirements. This conclusion is reached based on the reporting violations noted above.*

**Required Action:** *As a result of this finding, the College is required to take all necessary corrective actions to cure the exceptions identified in this program review report. In addition, the College must develop and implement a comprehensive system of policies and procedures to ensure that these findings do not recur. Additional instructions on the comprehensive corrective action plan are outlined in Section F of this program review report.*

*Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.*

#### **Final Determination – Finding #2**

Finding #2 cited PSC for its failure to properly disclose crime statistics. As shown above, the FSA review team identified five factors that likely contributed to this failure.

In its response, PSC agreed with four of the factors (#1, #3, #4, #5) that contributed to its failure but disagreed with #2, which concluded that Campus Security was not always notified when serious crimes are committed and that PSC failed to follow its own procedures. In its response to #2, PSC concluded that it believed that the review team must have relied almost exclusively on the "Investigative Work Product re: Case #15066" in its assessment and that all individuals involved in this case were not interviewed by the review team. PSC also confirmed that it did report the incident in the 2006 data.

The review team interviewed the Director of Security and the Chief Student Affairs Officer (CSAO), who were responsible for the entire Student Affairs and Campus Security functions at PSC. The review team also relied on the written records in each of



these offices for the 2004 and 2006 incidents, which involved the same perpetrator and both were initially reported to Resident Assistants. In the 2006 incident there was an extreme delay (72 hours) before Campus Security was notified. In the 2004 incident there was no record that Campus Security was notified, even though the student perpetrator was officially adjudicated through the disciplinary process at the College. Both the Director of Security and the CSAO stated in interviews that all sexual assault incidents are reported to Campus Safety and, if the victim chooses, to the Police.

PSC's response identified a number of corrective actions it has taken or planned to take to support better Clery Act compliance. These actions include:

1. improving the methods for handling and maintaining student judicial records;
2. implementing the new Data Exec incident report and database systems;
3. providing training conducted by the NYSP for all Campus Safety and Student Affairs staff on the appropriate use of criminal terminology, with specific attention given to the differences in the Clery terminology vs. Uniform Crime Reporting;
4. implementing the Standard Operating Procedures developed by the Director of Campus Security for use in incident management, report writing, and documentation; and
5. training the Directors of Campus Safety and Student Affairs in Clery Act compliance.

PSC was advised in Section F of the program review report to undertake an institutional self-study to accurately identify the required crime statistics to be reported in the CSR. The Department reviewed the self-study data and the tables below represent the Department's Final Determination:

Crime Classification	College Reported 2004	Dept. of Ed. Prog. Review Report Determination 2004	College Prog. Review Response Self-Study 2004	Final Department of Education Determination 2004
Manslaughter	0	0	0	0
Forcible Sex Offenses	0	1	0	1
Aggravated Assault	0	0	1	1
Burglary	1	8	10	17
Arson	0	3	1	3
Disciplinary Referrals	College Reported 2004	Dept. of Ed. Prog. Review Report Determination 2004	College Prog. Review Response Self-Study 2004	Final Department of Education Determination 2004
Weapons Possession	0	5	2	5

Crime Classification	College Reported 2005	Dept. of Ed. Prog. Review Report Determination 2005	College Prog. Review Response Self-Study 2005	Final Department of Education Determination 2005
Manslaughter	0	1	1	1
Forcible Sex Offenses	0	2	1	2
Aggravated Assault	1	4	3	7
Burglary	2	15	10	18
Arson	0	1	0	1
Disciplinary Referrals	College Reported 2005	Dept. of Ed. Prog. Review Report Determination 2005	College Prog. Review Response Self-Study 2004	Final Department of Education Determination 2004
Weapons Possession	0	6	4	8

The tables presented above show that PSC's reported statistics did not accurately reflect the number of serious crimes on campus during the review period. PSC's own self-study revealed 13 crimes in 2004 when the College initially had reported only one (1). Similarly, in 2005, the self-study revealed 19 reported crimes when the College had reported only three (3).

In making this determination and further analyzing the response provided by PSC, the Department accepted the statistics provided by PSC after the self-study. To that data, the Department added the incidents identified in the Program Review Report that were not included within the specific incident category in PSC's self-study.

For example, as part of the self-study, PSC determined that there were 10 burglaries and our review team identified 15 burglaries that were required to be reported during 2005. Of the 10 burglaries identified by PSC, our review team had also identified 7. That leaves 8 (included below) that were not revealed as part of the institutional self-study that still need to be added to the 10.

- 1) Student Report via email dated 3/7/2005
- 2) Campus Safety Report #13111 listed as larceny on self-study
- 3) Campus Safety Report #14801 listed as larceny on self-study
- 4) Campus Safety Report #14836 listed as drug law violation on self-study
- 5) Student Report via email dated 2/3/2005
- 6) Campus Safety Report #14737 listed as larceny on self-study
- 7) Campus Safety Report #14828 listed as larceny on self-study
- 8) Campus Safety Report #14970 listed as larceny/theft on self-study



Based on this assessment, it appears that PSC is not correctly interpreting and applying the term "larceny" when determining if a crime is reportable under the Clery Act. The Department has provided guidance on these matters in The Handbook for Campus Crime Reporting available online at: <http://www.ed.gov/admins/lead/safety/handbook.pdf>, and PSC should use this resource for Clery Act reporting requirements.

PSC's response adequately addresses the corrective action needed to respond to this finding, however, it does not diminish the seriousness of the violations identified throughout the program review.

**Finding #3 - Failure to Define the Campus and Report Separately for Non-Contiguous Locations in Accordance with Federal Regulations**

*Citation: Federal regulations require institutions to compile and publish separate crime statistics for each location or facility. The Clery Act [see 34 CFR § 668.46 (c)(4)] establishes a four-part definition of campus that includes:*

- 1) On Campus I: any building or property owned or controlled by the institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;*
- 2) On Campus II: any building or property owned by the institution that is within or reasonably contiguous to the area identified above, but is controlled by another person or entity;*
- 3) Non Campus Property: any building or property owned or controlled by a recognized student organization; or any building or property owned and controlled by the institution as described in 1. above but is not in the same reasonably contiguous area; and,*
- 4) Public Property: all public property that is within the boundaries of the campus or that is immediately adjacent to or accessible from the campus.*

*Generally, an institution must comply with the statistical reporting requirements for each administrative division, location, or property that is not in the same reasonably contiguous geographical area as the main location. 34 CFR § 668.46 (c)*

**Noncompliance:** *The College has not defined its campus in accordance with the definition contained in Federal regulations. The College also did not comply with crime statistics reporting requirements for each separate campus or facility location. Specifically, PSC published a single set of statistics covering only the improperly defined main campus location.*

**A. Improper definition of campus.** *Paul Smith's College owns 14,200 acres of land in the North Country of New York State, which includes easements granted for the*



*Adirondack National Park. The College still owns the easement land and is compensated by the state for the usage rights. While not all the acreage meets the definition of campus, because it is not used by the institution in direct support of, or in a manner related to, the institution's educational purposes, substantial parts of the property that do meet the definition have been excluded.*

*The College offers programs in fields such as Forestry, Surveying, and Natural Resource Management. In its recruiting materials, PSC emphasizes its focus of "experiential learning" and states, "our 14,200-acre campus is the ideal setting for training students in outdoor careers."<sup>1</sup> Similarly, another publication describes, "14,200 Acre Campus: Just imagine a campus situated at the edge of a pristine lake, surrounded by the spectacular Adirondack Mountains...With 14,200 acres to explore, to play, to breathe and to grow, Paul Smith's living laboratory provides the freedom to create the life of your dreams."<sup>2</sup> As illustrated above, parents, students, and other stakeholders are led to believe that the campus covers a large tract of land.*

*The College reported electronically very low crime statistics to the U.S. Department of Education and in its published campus security reports. However, for Clery Act purposes, the College defined its campus as including only a very small part of the 14,200 acres of land, essentially the portion of the property immediately bordering the Lower St. Regis Lake. This definition only includes the land adjoining the 10 administrative and classroom buildings, 12 dormitories, and parking areas for Clery Act purposes, which is also the only area that is routinely patrolled by PSC's campus safety officers. The College has also failed to properly include adjacent public property in its campus definition for Clery Act purposes.*

*The College's improper campus definition is one reason the death on February 5-6, 2005 was excluded from the College's report. This incident should have been reported and coded as an involuntary manslaughter. Even if the College determined that the death did not occur on campus grounds, it should have classified the death and the underlying crime as occurring on public property within the definition of campus.*

***B. Failure to Report Crimes for Non-Contiguous Locations.*** *PSC failed to report crime statistics separately for non-contiguous locations. For example, the College owns and uses several other properties in direct support of or in a manner related to its educational purposes, which includes but is not limited to the Hotel Saranac, a dormitory, the Sugar Bush, and the Alumni Campground.*

**Required Action:** *The College must review all property that it owns and/or controls, and re-define its campus to meet the criteria of the four-part definition of campus under the Clery Act. With its response, PSC must provide a copy of the revised policy that includes*

---

<sup>1</sup> "Let's Get Started," Page 4

<sup>2</sup> "Its About the Experience: Experiential Learning, Experience Life," Page 2

*this definition and an accurate list of all properties that it currently owns and/or controls. This analysis must start immediately and be completed in advance of the preparation of the next annual campus security report.*

*Once the campus is properly defined the College must then take all necessary steps to ensure that all incidents of crime reported are included in the statistical disclosure section of all campus security reports. As part of this review, PSC must also develop and implement a program of internal controls that will ensure that crime statistics are reported separately for all non-contiguous locations.*

*Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.*

### **Final Determination – Finding # 3**

Finding # 3 cited PSC for its failure to define its campus for Clery Act reporting purposes in accordance with 34 C.F.R. § 668.46 (c). Specifically, the College did not define its campus to include all land that it owned or controlled and used for educational purposes, and, as a result, the College failed to accurately report required crime statistics. Furthermore, PSC failed to report crime statistics separately for its non-contiguous locations.

As a result of this violation, the College was required to:

1. review all property that it owns or controls and re-define its main campus and non-contiguous locations in accordance with the four-part definition of campus established by the Clery Act;
2. compile and submit an accurate listing of all College owned or controlled property;
3. explain how statistics of incidents of crimes reported will be collected for all property; and
4. review and revise its policies, procedures, and internal control structures to ensure all future property acquisitions are properly defined to prevent recurrence of these violations.

The College concurred with this finding and stated that its "descriptions of what constitutes its campus have been inconsistent and unclear." PSC stated that it is reviewing and revising its publications to better explain its larger land holdings and differentiating them from the lands that are part of the "campus" as defined for Clery Act purposes.

As required by our report, the College reported that it examined its property holdings, applied the definition of campus as required by the Clery Act and reclassified property as



necessary. The College submitted new maps, aerial photography, and surveying records, in support of the changes made to the campus definitions as follows:

- Campus I: consists of the lakefront "main Campus" area comprising the academic, administrative, and residential buildings including the Sugarbush and the Saranac Lake residence halls.  
Campus II: includes 12,128 acres, inclusive of some 7,760 acres of easement lands that are managed by the New York State Department of Environmental Conservation (NYSDEC).
- Non-campus Property: includes non-campus property as defined by the Clery Act. The 988 acres located in the towns of St. Armand and Franklin are non-campus property.
- Public Property: Based on the guidance in the Handbook for Campus Crime Reporting, the boundary for adjacent public property that must be included as part of the campus will be drawn by extending outward for a one-mile radius from the land defined as Campus I above.

PSC's response identified that the deaths that occurred on February 6, 2005 happened in the area defined as Campus II above. As such, the death of Ms. Kristine Guest was improperly excluded from the 2006 CSR because PSC did not define its campus correctly.

The College reports it has entered into an agreement with the NYSDEC to improve oversight patrols and restrict the usage of Campus II holdings. The College also claims that procedures and internal controls regarding the compilation of statistics were strengthened to ensure that statistics are listed separately for all non-contiguous locations and all local law enforcement agencies including the New York State Police are consulted about any reportable crimes occurring on PSC property located in each agency's jurisdiction.

PSC's response adequately addresses the corrective action needed to respond to this finding, however, it does not diminish the seriousness of the violations identified throughout the program review. The new definition of campus and procedures for data collection should assist the College in complying with the Clery Act.

**Finding #4 - Failure to Have an Adequate System for Collecting All Crimes Reported from All Required Sources**

**Citation:** Federal regulations require institutions to compile and publish accurate and complete statistics concerning the on-campus occurrence of the following incidents: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons

*laws are also required. To comply with these requirements, institutions must develop a system that allows for the collection of incidents of crime reported to any campus security authority. 34 CFR § 668.46 (c) (1) (B)*

**Noncompliance:** *PSC did not gather statistics for incidents of reportable crimes from certain institutional sources in a manner sufficient to produce an accurate and complete Campus Security Report in accordance with the Act. This failure resulted in additional instances of underreporting and miscoding. Specifically, there was insufficient coordination and communication with Student Affairs/Residence Life, which resulted in deficient incident reports and disciplinary referral data. Some of the weaknesses identified include the following:*

- 1) The Campus Security Office was not provided incident reports generated by Student Affairs/Residence Life staff in a timely manner to permit sufficient and timely investigation to determine if a reportable crime had occurred. In some cases, no information was provided to the Campus Security Office and in other cases; the reports provided only detailed violations of institutional policy and did not document the relevant facts to determine if a violation of law had occurred.*
- 2) The Office of Student Affairs/Residence Life's protocol regarding the conditions and circumstances for contacting Campus Security was in flux throughout the review period. The offices could not agree on the kinds of incidents that should be resolved through the Student Affairs process with institutionally imposed sanctions and those that should be handled by the Campus Security enforcement process. The situation was complicated further after the events of February 2005 when it was decided that the New York State Police would be called in on most alcohol-related cases.*
- 3) The relevant offices had no standardized report writing, coding, or control numbering systems in place during the review period. As a result, numerous accounts of the same event were frequently generated that could not be cross-referenced easily or otherwise linked to prevent contradictory accounts and duplicate counting of the same incidents. With regard to coding methodology, it appears that Campus Security was guided by UCR criteria while Student Affairs/Residence Life relied solely on the conduct standards published in the Community Guide.*

*These conditions have also contributed to the publishing and distribution of inaccurate and incomplete statistics of incidents of crime and disciplinary referrals. In addition to the conditions noted in item # 3 above, these records are filed by student offender, and are maintained only in hardcopy format. There is no tracking database or system of organization.*



*However, the FSA Review Team has noted that PSC's statistical reporting for 2006 did improve. The following chart illustrates the increases in reporting for 2006 in the following categories as reported by PSC:*

<b>Incident Category</b>	<b>College Reported 2004</b>	<b>College Reported 2005</b>	<b>College Reported 2006</b>
<b>Forcible Sex Offense</b>	0	0	3
<b>Aggravated Assault</b>	0	1	5
<b>Burglary</b>	1	2	19
<b>Liquor Law Violations*</b>	47	72	147
<b>Drug Law Violations*</b>	3	4	25

*“\*” – Disciplinary Referrals*

*The increase in 2006 reporting is more in line with the team's review of source documents. For example, in an expanded sample of incident reports provided, the FSA Review Team identified eight burglaries in 2004 as opposed to one offense reported by PSC (See Chart on page 7 of this report.) Similarly, the FSA Review Team identified 71 liquor law violation (LLV) disciplinary referrals for 2004 as opposed to 47 reported by PSC.*

*To explain the increase in the number of incidents disclosed for 2006, the College included the following caveats in its electronic report to the Office of Postsecondary Education:*

*“Due to training and the implementation of more effective reporting and record-keeping systems the number of burglaries gives the appearance of being on the rise, we have no evidence that there is an actual rise in the number of incidents.”*

*“Due to training and the implementation of more effective reporting and record-keeping systems accompanied by an increase in the student population the drug and liquor violations give the appearance of a rise, we have no evidence that there was an actual rise in the number.”*



*The FSA Review Team does not agree with the statement relating to an increase of enrolled students contributed to the increase in reported crime statistics, the increase is not statistically significant. It is also noted that the Director of Campus Safety responsible for reporting the 2006 statistics has left the College. A new Director of Campus Safety will have the responsibility for implementing the corrective action required in this report.*

*Failure to coordinate information from all relevant sources and to compile, publish, and distribute accurate and complete crime data deprives the campus community of important security information.*

**Required Action:** *PSC must establish policies and procedures for gathering and compiling all incidents of crime reported to all internal and external campus security authorities. These policies and procedures must address access, communication, and coordination by institutional officials. A copy of the revised policies must be submitted with the College's response as part of the comprehensive action plan described in Section F of this program review report.*

*Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.*

#### **Final Determination– Finding # 4**

Finding # 4 cited PSC for failing to gather statistics on incidents of crime reported to all campus security authorities, especially the offices of Student Affairs and Residence Life, to include in its Campus Security Reports. The College also failed to request crime statistics from external campus security authorities law enforcement agencies with jurisdiction over property owned or controlled by PSC. This violation led to additional instances of underreporting and miscoding.

As a result of this violation, the College was required to develop and implement a plan that would provide for the inclusion of all required crime statistics in the CSR. In its response, the College stated "it is clear that...the Office of Campus Safety and the Office of Student Affairs did not properly report all incidents and failed to adequately share information between the offices" during the review period.

The response cited several causes for this violation:

1. the College did not collect data from areas outside the "main campus" as required by the Clery Act and the regulations;
2. statistics only included the number of incidents reported and not the number of persons cited in those incidents;
3. incident reports from the Office of Student Affairs were not provided to Office of Campus Safety in a timely manner or at all in many cases; and

4. different methodologies to identify and classify incidents of crime were used, specifically, Campus Safety attempted to use Uniform Crime Reporting standards while Student Affairs followed the conduct and disciplinary policies published in the "Community Guide."

To address this violation and the weaknesses that contributed to it, the College has purchased the Data Exec software package to streamline and impose structure on the incident reporting and statistical compilation functions. The Directors of Campus Safety and Student Affairs attended a Clery Act training program in May 2008 and were required to share that knowledge with professional and student staff in relevant offices. PSC also claims that the judicial process will also be strengthened as a result of improved training and use of the Data Exec software.

The College has asserted that it has agreements with the NYSP, the NYSDEC, and local police departments to increase patrols on lands owned by PSC and to improve communication and coordination. This should help PSC to collect all reports on incidents of crime reported on its property and lands.

PSC's response adequately addresses the corrective action needed to respond to this finding, however, it does not diminish the seriousness of the violations identified throughout the program review.

**Finding #5 - Failure to Distribute the Campus Security Report in Accordance with Federal Regulations**

**Citation:** *Federal regulations require institutions to provide the report to all current students and employees through appropriate publications and mailing. This includes direct mailing to each individual through the U.S. Postal Service, by direct hand or campus mail distribution to the individual, or posting on the institution's Internet site. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request.*

*Federal regulations also require participating institutions to provide a notice to all prospective students and employees that gives a statement of the report's availability, its contents, and its exact electronic address if posted to an Internet site. This notice must also advise interested parties of their right to request a paper copy of the report and have it furnished upon request. 20 USC § 1092 (f) (1)*

**Noncompliance:** *PSC did not distribute its Campus Security Report to all current students and employees, and did not adequately inform all prospective students and employees of the Report's availability. This finding is supported by a thorough review of*



*publications typically provided to current and prospective students and employees. College officials failed to explain how the report was distributed or to provide documentation that an active distribution was undertaken prior to the recent reforms put in place. The review team learned during the interviews that no one directly received a copy of the report from the College. Statistical disclosures included in the 2006 CSR were available on the College's website. However, the complete report was not.*

*For prospective students, a newer publication, "Let's Get Started," is provided however, the notification included is not sufficient and no notification was ever provided to prospective employees. The Director of Human Resources confirmed this fact. At the College's request, the review team provided the following suggested language to bring PSC into compliance moving forward:*

*"Paul Smith's College is required to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). In accordance with the Clery Act, the College publishes annually a campus security report. We are required to advise applicants for employment of this report's availability and provide a copy upon request. Applicants may obtain a copy of this report from the Office of Human Resources."*

*Failure to actively distribute an accurate and complete campus security report to current students and employees and to notify prospective students and employees in accordance with Federal regulations deprives the campus community of important security information.*

**Required Action:** *PSC must take all necessary steps to ensure that all current students and employees receive an accurate and complete copy of the annual campus security report.*

*In addition, PSC is required to add an accurate, complete, and conspicuous notification statement to its admissions and employment materials that are normally provided to prospective students and employees. This statement must give clear notice of what the Act requires the contents of the report, and the means by which the report can be acquired. A copy of all revised publications or forms containing the required notification language must be submitted with the College's response as part of the comprehensive action plan described in Section F of this program review report.*

*Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.*

**Final Determination – Finding #5**

Finding #5 cited PSC for failing to distribute the CSR in accordance with federal regulations. The College concurred with this finding. It also stated that it had released an RFP (Request for Proposals) for a thorough redesign of its recruitment publications that would presumably comply with the regulations. In the interim, PSC stated that information on accessing the CSR is included in mailings to all prospective students.

In addition, PSC stated that the required Clery Act notification was scheduled for inclusion in the 2008 Orientation Guide, which was to be used for sessions with incoming students and their parents starting in July 2008. At the time of the response, the document was not yet completed and PSC stated that it would send a PDF file separately as soon as it is available. To date, the review team has not yet received this document. PSC also stated that its website pages for Human Resources and Admissions were undergoing a complete overhaul with revisions scheduled to be completed during June – July 2008.

PSC also stated that the Offices of Human Resources corrected its failure to notify prospective employees with postings on its on-line website and bulletin board. PSC stated that Clery Act notification is printed on acknowledgement letters sent to all applicants for advertised positions and that current employees are informed of the Clery Act via its website and Employee Handbook. Additionally, all appointment letters issued annually in July were to contain an insert notifying employees of the location of the Campus Safety Report and the Daily Log on the College's website.

PSC's reply adequately addresses the corrective action needed; however, it does not diminish the seriousness of the violations where PSC has historically failed to distribute the report in accordance with Federal Regulations. Further, to fully satisfy this requirement, PSC must prepare and distribute an accurate and complete supplemental Campus Security Report for calendar years 2004, 2005, and 2006. The supplemental report must use the data included in this Final Program Review Determination under Finding #2 and any additional revisions to the 2006 data that the College determines necessary after it implements all its Clery reporting enhancements. This requirement must be accomplished within 90 days of the College's receipt of this FPRD and a copy of the supplemental Campus Security Reports must be forwarded to this office within 10 days of their distribution to the campus community. PSC must also submit the Orientation Guide at this time.

**Finding #6 - Failure to Maintain a Daily Crime Log**

**Citation:** *Institutions with a police or campus security department must maintain "a written, easily understood daily crime log" listing all crimes that occurred 1) on campus including residence halls; 2) in a non-campus buildings or on non-campus property; 3)*



on public property; or 4) within the campus police or security department's patrol area that it becomes aware of or are reported to it. This reporting requirement applies to all crimes, not merely those crimes listed in 34 CFR §668.46 (c)(1) and (3). The log must include the nature, date, time, general location, and disposition of each offense. The crime log must be kept up to date and be freely accessible to any requestor. 34 CFR § 668.46 (f)

**Noncompliance:** PSC failed to maintain an accurate and complete crime log in accordance with Federal regulations for the years under review. This finding is based on the institution's initial failure to provide crime logs pursuant to the team's request, and interviews conducted. The team provided technical assistance regarding this requirement during the site visit. A crime log containing most of the required fields was prepared for 2005 and 2006. The log is organized by sequential incident numbers and the incident report date. However, because the 2005 crime log was not maintained as required, it contains inconsistent incident numbers and dates (e.g., Incident # 12586 is dated 1/26/2005; incident # 12929 is dated 1/27/2005; and incident # 12627 is dated 1/28/2005.) No log for 2004 or prior years was produced.

The Clery Act is a consumer information requirement intended to provide students, employees, and other stakeholders with vital information that they can use to make good safety decisions and effectively assist in providing for their own security. The crime log is especially important because it provides a timely information source, and supplements the long-view trend data in the campus security report's statistical disclosures. Failure to comply with the daily crime log requirement deprives the campus community of this vital security information.

**Required Action:** PSC must review and revise its policies and procedures to ensure compliance with this requirement going forward. These revisions must provide for the designation of a capable official to ensure that the crime log is updated in an accurate and complete manner and that it is readily available to the campus community and general public for review upon request. A copy of the revised policies must be submitted with the College's response as part of the comprehensive action plan described in Section F of this program review report. Additionally, a copy of the 2007 and partial 2008 crime logs must be submitted with the institution's response.

Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.

#### **Final Determination – Finding # 6**

Finding # 6 cited PSC for failing to maintain a daily crime log of all incidents of crime reported within the College's patrol jurisdiction. As a result of this violation, the College was required to:



- designate a capable official to be in charge of crime log compliance;
2. develop a plan that will ensure that the daily crime log be accurate, complete, properly maintained, and readily available to all persons who wish to review it;
  3. review and revise its policies and procedures and submit them as part of the comprehensive corrective action plan required in Section F of the report; and
  4. apply its new policies and procedures to create an accurate and complete crime log for calendar year 2007, and partial 2008 log through the date of the response for our review.

The College concurred with this finding and affirmed its commitment to fully complying with the daily crime log requirement. The College stated it would produce the crime log using the Data Exec crime reporting system. The Director of Campus Safety is charged with maintaining this system and ensuring that the corrective action plan is fully implemented.

PSC's response adequately addresses the corrective action needed to respond to this finding; however, it does not diminish the seriousness of the violations identified throughout the program review.

**Finding #7 - Required Policy Statements Omitted from Campus Security Reports**

***Citation:*** Federal regulations require institutions to include certain policy statements in their Campus Security Reports. These disclosures are intended to more fully inform the campus community about the institution's security policies and programs and the availability of resources and channels of recourse. In general, these policies cover topics such as the law enforcement authority and practices of the institution police or security force, reporting procedures for students and employees, and policies that govern the preparation of the report itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention and adjudication must also be disclosed. A notification to students must also be included in the report that advises the campus community that victims of sexual assaults may change their academic or living arrangements. 34 CFR § 668.46 (b)(2)

***Noncompliance:*** PSC failed to include certain required policy statements in its Campus Security Reports. None of the campus security reports that were examined included an explanation of how the institution prepares its annual disclosures. Additionally, the 2005 and 2006 reports did not include required disclosures regarding 1) procedures for voluntary, confidential reporting by counselors or 2) the existence of and access to the daily crime log.

Additionally, several of the included policies are not specific enough to give actual notice to users. For example, the separation of enforcement authority between Campus Security and Student Affairs/Residence Life is not clearly defined in terms of institutional policy or

*practice. Institutional officials and students interviewed during the site visit expressed frustration regarding the ill-defined roles of these offices.*

**Required Action:** *In response to this finding, the College must take steps to ensure that all necessary policy disclosures are included in the next campus security report and a copy of the revised policies must be submitted as part of the corrective action plan detailed in Section F this report.*

*Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.*

### **Final Determination – Finding # 7**

Finding # 7 cited PSC for failing to include certain required policy disclosures in its Campus Security Reports. The College was also cited for several vague disclosures that did not give actual notice about the College's security policies, programs, and resources.

In response to this violation, the College was required to re-examine all of its campus security policies and procedures as part of the comprehensive corrective action plan set out in Section F of the FSA review team's report. In its response, PSC concurred with the finding. PSC stated, "it is apparent that required policies were not included in the Report.", but noted that some of these policies were published elsewhere, such as in the "Community Guide."

In response to requirement for corrective actions, the College asserted a commitment to implementing its revised policies and procedures and keeping them updated. The College also submitted a set of revised materials. The review team also examined PSC's most recent Campus Security Report as it appears on its website and found that many of the problematic policies had been improved. Moreover, PSC submitted materials on the completed implementation of its A.L.E.R.T. notification system and a plan for the creation of a multi-hazard warning system that will use sirens to notify the campus community of serious threats as an additional component of its timely warning notice.

PSC's response adequately addresses the corrective action needed to respond to this finding, however, it does not diminish the seriousness of the violations identified throughout the program review.

### **Finding #8 - Hate Crime Statistics Not Included in Campus Security Reports**

**Citation:** *Federal regulations require that Clery Act offenses that manifest evidence that a victim was intentionally targeted due to a suspect classification, status, trait or category covered by the Hate Crimes Statistics Act must be identified separately in the*



*campus security report. Zeros should be reported for any bias category where there are no reported incidents in a year. Inclusion of the categories puts users of the report on notice that hate crime information is a required disclosure. 34 CFR § 668.46 (c) (3)*

**Noncompliance:** *PSC did not include statistics identifying the number incidents of crime reported that manifested evidence of bias toward the victim by the perpetrator. Prior to the 2007 report, a single line item for hate crimes was included but was not broken out by bias category. The 2007 report does not contain any statistics for hate crimes.*

**Required Action:** *PSC must take all necessary steps to ensure that all required statistic disclosures of hate crime data are included in all campus security reports going forward. The corrective actions required in Section F of this report must provide for a system of internal and quality controls that will ensure that this type of finding does not recur.*

*Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.*

#### **Final Determination – Finding # 8**

Finding # 8 cited PSC for failing to comply with the Clery Act's requirement for reporting hate crime statistics. PSC's 2007 Campus Security Report did not contain statistical fields for the reporting of hate crimes. Prior to the 2007 CSR, the hate crime statistics grid did not include separate fields for each category of bias. The finding was based on PSC's failure to conform its CSR to the required format and to include accurate and complete statistics for each category of bias (even if "0" incidents were reported). As a result of this violation, the College was required to review and revise its policies and procedures and to take all necessary corrective actions as required by Section F of the FSA review team's report.

In its response, PSC concurred with the finding. The College stated that some reportable hate crimes were identified during the self-study. However, it appears that most of these were cases of intimidation or harassment based on a suspect classification rather than a Part I crime that manifested evidence of bias in a covered category.

The College is required to re-examine each of the seven incidents referenced in its response, ensure that each is classified correctly (by category of crime and of bias if it is, in fact, determined to be a hate crime), and adjust its CSR and all electronic reports accordingly. Please provide copies of any changed hardcopy or electronic reports to Mr. James Moore by facsimile at (215) 656-6499 within the timeframe specified for the response to Finding #5.

The College stated that it now understands the criteria for identifying and coding hate crimes and complying with all reporting requirements. PSC also states that enhanced training was provided to all campus security and residence life staffs on how to identify and report hate crimes. The College is reminded that such training also should be provided to Student Affairs staff, and to any other official with responsibilities for PSC's campus security or Clery Act compliance programs.

PSC's response adequately addresses the corrective action needed to respond to this finding; however, it does not diminish the seriousness of the violations identified throughout the program review.

**Finding #9 - Crime Statistics Not Reported on a Calendar Year Basis**

**Citation:** Federal regulations require that all crime statistics in the annual campus security report must be compiled and reported on a calendar year basis. The original text of the Crime Awareness and Campus Security Act of 1990 called for the reporting of statistics on a fiscal year basis. However, it was determined that a calendar year based system would provide more uniformity and therefore, a better mechanism for meaningful comparisons by interested parties. This change was effected in Federal regulations in 1994. The calendar year requirement applies to all campus security reports due after September 1, 1995. 34 CFR 668.46 (c)

**Noncompliance:** PSC did not compute and publish its crime statistics on a calendar year basis during the review period. For all campus security reports prior to October 1, 2007, the College reported its statistics beginning in September through the following August. Institutions also are required to report electronically to the Office of Postsecondary Education for the identical period. The use of different calendars for these reporting requirements would have the effect of the campus security report not reconciling with the electronic report, possibly confusing users of the data. In this case, the statistics appear to match, meaning that the improper period was used for both reports. It appears that the College properly calculated crime statistics for 2006 on a calendar year basis.

**Required Action:** The College must conduct a comprehensive review of campus security policies and procedures and develop a corrective action plan that provides for a system of internal controls to ensure crime statistics are reported on the correct schedule and that this type of finding will not recur. A copy of all revised policies and procedures must be submitted with the College's response.

Based on an evaluation of all available information including the institution's response, the team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination letter.



**Final Determination – Finding # 9**

Finding # 9 cited PSC for failing to compile and publish crime statistics on a calendar year basis. PSC prepared its CSR on an academic year basis until 2007. In response to this violation, the College was required to conduct a comprehensive review of all of its policies and procedures as part of the self-study outlined in Section F of our report.

The College concurred with this finding and stated that, "it appears that from year-to-year, prior-year practices were followed...as there is no evidence that forms were changed to reflect the mandated change in the reporting period." Related to this Finding PSC also stated in its response to Finding 4 that, "the College's statistics were not readily comparable to those of other institutions" and that "the public information purpose of the Act was compromised" as a result of this violation. The College did note that the 2007 CSR was prepared using the correct timeframe. Our report referenced this fact as well.

With regard to corrective actions, PSC stated that the Directors of Campus Safety and Student Affairs attended a Clery Act training course in May 2008. The Director of Campus Safety was charged with providing additional training to his staff. The College also stated that it made significant investments in the area of campus security and that these improvements, such as the use of the Data Exec system, will help to create an adequate internal control environment, which should ensure that future CSR's are prepared for the correct time period.

PSC's response adequately addresses the corrective action needed to respond to this finding; however, it does not diminish the seriousness of the violations identified throughout the program review.